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SERIAL NO. 10/511,768

PATENT APPLICATION

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	KOPRA et al.	Examiner:	Sharma, S.
Serial No.:	10/511,768	Group Art Unit:	2618
Filed:	October 19, 2004	Docket No.:	KOLS.156US
Title:	METHOD OF PROVIDING SERVICE FOR USER EQUIPMENT AND SYSTEM		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 29, 2008.

By:

Erin M. Nichols
Erin M. Nichols

COMMUNICATION REGARDING PREMATURE ADVISORY ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is submitted to memorialize the Examiner's statements in the voice mail left for the undersigned on July 22, 2008, that the time for response for the above-identified application will be reset.

As detailed in the email sent to the Examiner on July 9, 2008, an Advisory Action was prematurely issued for this application. The Advisory Action that was mailed on June 12, 2008, was issued in error because there has not yet been a final rejection issued for this application. It appears that an error in PAIR may be the source of the confusion. Specifically, PAIR (under the transaction history tab) identifies the Office Action that was mailed on January 29, 2008, as being a final action, and the response to the January 29th action that was mailed on April 17, 2008, as being an Amendment After Final (under both the transaction history and image file wrapper tabs).

However, the January 29th Office Action was not a final rejection, and the response mailed on April 17th was a Response to a non-Final Rejection under 37 C.F.R. § 1.111. This can be seen on the Office Action Summary page of the January 29th Office

Action where box 2b is checked indicating that "The action is non-final" and on the cover page of the April 17th response.

In addition, the January 29th Office Action would not have properly been a final rejection since the rejection relied upon art that was not previously of record. Also, MPEP Section 706.07(a) states that a second or any subsequent action on the merits in any application should not be made final if it includes a rejection, on prior art not of record, of any claim amended to include limitations which should reasonably have been expected to be claimed. Since the independent claims were amended to merely include limitations from originally-presented dependent claims (15 and 29), this subject matter was already claimed and therefore would "reasonably have been expected to be claimed".

Thus, since a final rejection has not yet been issued for this application, the Advisory Action mailed on June 12th was premature and issued in error.

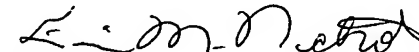
Applicant accordingly requests that, consistent with the Examiner's voice message, the Advisory Action be withdrawn and a date for response be reset in accordance with proper issuance of a final rejection, new non-final rejection, or notice of allowance.

The undersigned attorney of record may be contacted at 952.854.2700 (extension 16) to discuss any further issues related to this matter.

Respectfully submitted,

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8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: July 29, 2008

By: 
Erin M. Nichols
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